

ALLEGED SHIPMENT: On or about December 13, 1944, by the Mayville Creamery, Mayville, N. Dak.

PRODUCT: 21 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "George Wittner & Co., Inc., New York * * * Butter."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 15, 1945. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7778. Adulteration of butter. U. S. v. 70 64-Pound Cubes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 15102. Sample Nos. 97921-F, 11101-H.)

LIBEL FILED: January 9, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 19, 1944, by the Farmers Coop. Creamery Co., from Volga, S. Dak.

PRODUCT: 70 cubes, each containing 64 pounds, of butter at Somerville, Mass.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 24, 1945. The Pipestone Produce Co., Pipestone, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7779. Adulteration of butter. U. S. v. 27 Cartons (approximately 1,728 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 15101. Sample Nos. 97919-F, 5642-H.)

LIBEL FILED: January 10, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 13, 1944, by the Delft Cooperative Creamery, Delft, Minn.

PRODUCT: 27 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: (Portion) "Butter Distributed by Hunter Walton Co. New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 23, 1945. The Delft Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7780. Adulteration of butter. U. S. v. 16 Cartons (1,024 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15039. Sample No. 87799-F.)

LIBEL FILED: December 13, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Goodrich Creamery Co., from Goodrich, N. Dak.

PRODUCT: 16 64-pound cartons of butter at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 11, 1945. The J. J. Herold Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

7781. Adulteration of Greek cheese. U. S. v. 89 Boxes of Greek Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13978. Sample Nos. 79108-F, 79113-F.)

LIBEL FILED: October 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 21, 1944, by John Bookus, from Appleton, Wis.

PRODUCT: 89 44-pound boxes of Greek cheese at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of maggots, mites, and mold.

DISPOSITION: December 11, 1944. The Deligiannis Bros., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7782. Adulteration and misbranding of Cheddar cheese. U. S. v. 22 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13185. Sample Nos. 62920-F, 89944-F.)

LIBEL FILED: On or about August 12, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 18, 1944, by the Pet Milk Co., from Huntsville, Ark.

PRODUCT: 22 boxes of Cheddar cheese at Springfield, Mo.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese, which it purported and was represented to be.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (g) (1), it failed to conform to the definition and standard of identity for Cheddar cheese since it contained in its solids less than 50 percent of milk fat.

DISPOSITION: September 30, 1944. The Pet Milk Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration.

EGGS

7783. Adulteration of dried whole eggs. U. S. v. 284 Barrels of Dried Eggs. Tried to the court. Decree of condemnation ordering product delivered to a public institution, for use as animal feed. (F. D. C. No. 9060. Sample Nos. 5843-F, 5844-F.)

LIBEL FILED: December 23, 1942, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 29 and November 4, 1942, by the F. S. C. C., c/o Joe Lowe Corporation, San Antonio, Tex.

PRODUCT: 284 175-pound barrels of dried whole eggs at Memphis, Tenn.

LABEL, IN PART: "Spray Dried Whole Egg Joe Lowe Corp. New York N Y Mfg. by Joe Lowe Corp San Antonio Texas."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: The Joe Lowe Corporation filed an answer on February 18, 1942, denying that the product was adulterated, and the cause having been heard before the court without a jury, the following findings of fact and conclusions of law in favor of the Government were handed down on July 29, 1943:

Boyd, District Judge:

FINDINGS OF FACT

I

"The United States Government, through libel proceedings, seized two hundred and eighty-four barrels of dried eggs at Memphis, Tennessee. The question, purely one of fact, is whether or not they are adulterated within the meaning of the Federal Food, Drug and Cosmetic Act (Title 21 United States Code Annotated, Section 342 (a) (3)), and more particularly whether they consist wholly or in part of a decomposed substance.

II

"These eggs, the property of claimant Joe Lowe Corporation, were processed at claimant's plant in San Antonio, Texas.